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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,141	01/03/2002	Radhika Aggarwal	RSW920010112US1	2419

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CHRISTOPHER & WEISBERG P.A.  
200 EAST LAS OLAS BOULEVARD-SUITE 2040  
FORT LAUDERDALE, FL 33301

EXAMINER
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HUYNH, THU V

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/041,141	<b>Applicant(s)</b> AGGARWAL ET AL.	
	<b>Examiner</b> Thu V Huynh	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*JP*

**DETAILED ACTION**

1. This action is responsive to communications: affidavit filed on 12/21/2004 to application filed on 01/03/2002.
2. Claims 1-10 are pending in the case. Claims 1 and 6 are independent claims.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-2, 5-7, 10 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Upton et al., US 2003/0105884 A1, provisional filed 10/2001, in view of Jeffries et al., US 6,094,529, filed 12/1996 as supplied by the Applicants in IDS filed 01/03/2002, and "Instant HTML", Homer et al., copyright 1997, pages 88-101.**

**Regarding independent claim 1, Upton teaches the steps of:**

- detecting in a form-based submit, at least one validation error based upon a value provided through an input-element in a markup specified form (Upton, col.5, paragraph 62; user fill-out data and submits an html form, validating data in submitted form to detect invalid data);

- inserting a row in said markup specified form in a position which is proximate to said input element (Upton, col.5, paragraph 62, redisplaying the form with error message next to each erroneous field. This inherently disclose inserting a text row next to erroneous field in the html form);
- selecting error text corresponding to said validation error and inserting said selected error text in said row (Upton, col.5, paragraph 62, redisplaying the form with error message next to each erroneous field); and
- serving said markup specified form in a response to said form-based submit (Upton, col.5, paragraph 62).

Upton does not explicitly disclose that said row having a background color which differs from other colors which a visible in proximity to said inserted row; inserting an anchor tag in said markup specified form in a position which is proximate to said input element; and in a response to said form-based submit, said response referring said anchor tag.

Jeffries teaches error message is highlighted, such as by underlining, changing the background color to provide a visual indicator (Jeffries, col.3, lines 33-36 and col.5, lines 24-33).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Jeffries' visual indicator in error message into Upton's error message in html form to insert error text message having a background color which differs from other colors which a visible in proximity to said insert error text, since this would have provided a visual indicator for the user to focus on erroneous field in the html form. It is also noted that highlighting error data or error text field in an html form as a visual indicator for the user re-entries the data was well known in the art at the time the invention was made.

Homer teaches including an anchor within a page so that, when we load the page, that part of the document is automatically scrolled into view (Homer, page 88, “Anchors Within A Page” section; placing the anchor tag with name “dalmation” in section Dalmatians to directly scroll to that section when the page dog.html is loaded).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Homer’s teaching into Upton’s redisplay form to insert an anchor tag in the html form in a position which is proximate to said input element, since this would have allowed when the user submit the html form, error part of the html form is automatically scrolled into view Homer’s disclosed above for the user enter a correct data as. This would have facilitated the user to re-enter the data when the error field is directly provided.

**Regarding claim 2**, which is dependent on claim 1, Upton does not explicitly disclose inserting an error image adjacent to said input-element.

Jeffries teaches insert a glyph near highlighting text error message to provide a visual indicator (Jeffries, col.3, lines 33-36 and col.5, lines 24-33).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Jeffries’ glyph visual indicator in error message into Upton’s error message in html form to insert a image/glyph near the error text message, since this would have provided a visual indicator for the user to focus on erroneous field in the html form.

**Regarding claim 5**, which is dependent on claim 4. Refer to the rationale relied to reject claim 1, Upton, Jefferies and Homer teach inserting an anchor tag in said markup specified form in a position which is proximate to said input element. Homer also teaches the anchor tag place before the section to be automatically displayed (Homer, page 97, "Using Anchors in Your Pages" section).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Homer's teaching into Upton's redisplay form to insert an anchor tag in the html form in a position which is proximate but before to said input element, since placing the anchor tag before the error section would have allowed the error part of the html form is automatically scrolled into view as Homer's disclosed above for the user enter a correct data as. This would have facilitated the user to re-enter the data when the error field is directly provided.

**Claims 6-7 and 10** are for a computer readable medium performing the method of claims 1-2 and 5, respectively and are rejected under the same rationale.

**5. Claims 3-4, 8-9 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Upton in view of Jeffries and Homer as applied to claims 1 and 6 above, and further in view of Hartman, US 6,615,226 B1, filed 09/1997.**

**Regarding claim 3**, which is dependent on claim 1, Upton, Jefferies and Homer teaches display error message proximate to said input element (error field) as explained above. However, Upton does not explicitly disclose determining whether said markup specified form contained multiple views, one of said multiple view containing said input-element and if it is

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determined that said markup specified form contains multiple views, identifying said one of said multiple views and setting said identified one of said multiple views to a visible status

Hartman teaches a markup specified form contained multiple views, one of said multiple view containing said input-element (error field) (Hartman, col.9, lines 38-59).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Hartman's teaching and Upton to includes the steps of determining said markup specified form contains multiple views, identifying said one of said multiple views and setting said identified one of said multiple views to a visible status, since this would have allowed error message to be displayed proximity to error field in both simple or/and complex form which contains multiple view to inform error for the user re-entries, since

**Regarding claim 4**, which is dependent on claim 1, Upton, Jefferies and Homer teaches inserting an error message row in said markup specified form in a position which is proximate to said input element, said error message row having a background color which differs from other colors which are visible in proximity to said inserted row in claim 1 above. Upton does not explicitly disclose that said position is proximate to but below said input element.

Hartman teaches displaying error message in close proximity but below said input element (Hartman, col.9, lines 55-59).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Hartman and Upton to provide the error message on many different position proximate to the error input element to inform the user of error, since below or/and next is one form of proximate position.

**Claims 8-9** are for a computer readable medium performing the method of claims 3-4, respectively and are rejected under the same rationale.

***Response to Amendment***

6. The affidavit filed on 12/21/2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Upton et al. (filed 10/18/2001) reference.

The declaration filed on 12/21/2004 failed to show and give explanation pointing out how the evidence supports the conception or reduction to practice of the claimed invention. The declaration failed to use facts from exhibits to show that claim was conceived. Simply providing paragraph and not explaining how they show the facts which applicants desires to establish is not adequate. It is applicant's burden to show how the evidence supports the conception and/or reduction to practice of the claimed invention. See MPEP, section 715.07.

The evidence submitted is insufficient to establish a reduction to practice of the invention prior to the effective date of the Upton et al. reference of 10/18/2001. A written description or/and test results can not qualify as reduction to practice, since reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose. See MPEP, section 715.07 "THREE WAYS TO SHOW PRIOR INVENTION", fifth paragraph.

Based on the Declaration filed on 12/21/2004, Examiner has summarized the evidence from a date prior to the date of Upton et al. (filed 10/18/2001) reference to application's filing date as "Summary of Preparation History" below:

**Summary of Preparation History:**

Dec 20, 2000                      invention disclosure is submitted to IBM's attorney



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Prior Oct, 2001	applicants conceived of the applicants' invention
June 14, 2001	completed a draft of the application
Oct 18, 2001	Upton's filing date
Oct 29, 2001	reviewed a final draft of the application
Jan 03, 2002	Application's filing date

Examiner notes a period from June 14, 2001 until Jan 03, 2002, where no evidence is provided as to affirmative acts involving this application preparation. Diligence must be proven from prior to Oct 18, 2001 (the filing date of Upton et al.) until applicants' reduction to practice (constructive) Jan 03, 2002. Based upon the evidence presented, there is an apparent period lacking activity, inventor statements notwithstanding.

"The period during which diligence is required must be accounted for by either affirmative acts or acceptable excuses" (See MPEP, 2138.06 "THE ENTIRE PERIOD DURING WHICH DILIGENCE IS REQUIRED MUST BE ACCOUNTED FOR BY EITHER AFFIRMATIVE ACTS OR ACCEPTABLE EXCUSES").

Therefore, the evidence is not persuasive and the rejection is being maintained and made FINAL.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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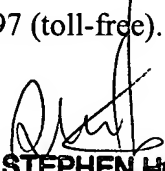
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V Huynh whose telephone number is (571) 272-4126. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVH  
April 18, 2005

  
**STEPHEN HONG**  
SUPERVISORY PATENT EXAMINER